

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CANDICE S. KLEIN, #26623078 §
VS. § CIVIL NO. 4:22-CV-1079-SDJ
UNITED STATES OF AMERICA § CRIMINAL NO. 4:16-CR-101(16)-SDJ

ORDER OF DISMISSAL

This case was referred to United States Magistrate Judge Aileen Goldman Durrett, who issued a Report and Recommendation (Dkt. #3) recommending that the Motion to Vacate, Set Aside, or Correct Sentence be denied as barred by the one-year statute of limitations enacted in the Antiterrorism and Effective Death Penalty Act of 1996. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. No objections having been timely filed,¹ the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is therefore **ORDERED** the Motion to Vacate, Set Aside, or Correct Sentence is **DENIED** and the case is **DISMISSED** with prejudice. It is further **ORDERED** a

¹The Court notes that Movant's copy of the Report and Recommendation was returned as undeliverable. See (Dkt. #4). Specifically, it was marked, "Return to Sender - Insufficient Address - Unable to Forward." Therefore, Movant also has failed to prosecute her case by not apprising the Court of her current physical address. "A *pro se* litigant must provide the court with a physical address (i.e., a post office box is not acceptable) and is responsible for keeping the clerk advised in writing of his or her current physical address." Local Rule CV-11(d).

Certificate of Appealability is **DENIED**. All motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 24th day of August, 2024.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE